

PLAINTIFFS' EXHIBIT LIST FOR HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTIONCASE CAPTION: *Cross MediaWorks LLC et al. v. EMT Holdings LLC et al.*

November 13, 2012

CASE NO.: No. 14 Civ. 561 (VSB)

Page 1 of 4

Exh. No.	Brief Description	Bates / Decl. Exh. No. / Depo. Exh. No.	Stipulation	Objection - Authenticity	Objection - Admissibility	Court Use Only
1	8/21/2014 email from Joe Fabiano to Marc Krigsman	CMW 01320-01321 Exhibit 1 to Declaration of Stephanie Mitchko-Beale In Support of Plaintiffs' Motion for Preliminary Injunction	Yes			
2	7/23/2014 email from Joe Fabiano to Stephanie Mitchko and Marc Krigsman	Exhibit 4 to Declaration of Stephanie Mitchko-Beale In Support of Plaintiffs' Motion for Preliminary Injunction			FRE 408	
3	7/28/2014 email from Joe Fabiano to Stephanie Mitchko and Marc Krigsman	Exhibit 5 to Declaration of Stephanie Mitchko-Beale In Support of Plaintiffs' Motion for Preliminary Injunction			FRE 408	
4	eMediaTRADE Capabilities Presentation	EMT 05392-05404 Exhibit 3 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Motion for Preliminary Injunction	Yes			
5	1/28/2011 email from Craig Crane to Joe Fabiano	EMT 07835-07892 Exhibit 5 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Motion for Preliminary Injunction	Yes			
6	AdCore brochure	EMT 10846-10849 Exhibit 6 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Motion for Preliminary Injunction	Yes			
7	List of Defendants' contract developers	EMT 00506-00507 Exhibit 7 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Motion for Preliminary Injunction			Relevance	
8	EMT Holdings, LLC / Contract Addendum - Videia Source Code Buy-Out / EMT-Videa 9.4.14	EMT 15070-15078 Exhibit 3 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction			Relevance; Hearsay	
9	12/11/2012 email, Allison S. Cook to Amy Benson, "RE: 0384.01: CMW"	EMT 03876-03879 Exhibit 4 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction	Yes			

PLAINTIFFS' EXHIBIT LIST FOR HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTIONCASE CAPTION: *Cross MediaWorks LLC et al. v. EMT Holdings LLC et al.*

November 13, 2012

CASE NO.: No. 14 Civ. 561 (VSB)

Page 2 of 4

Exh. No.	Brief Description	Bates / Decl. Exh. No. / Depo. Exh. No.	Stipulation	Objection - Authenticity	Objection - Admissibility	Court Use Only
10	eMediaTRADE / Investment Opportunity	EMT 16701-16708 Exhibit 6 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction	Yes			
11	Goldman Sachs Meeting / Monday, January 10, 2011, 4:42PM	EMT 03762-03773 Exhibit 8 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction	Yes			
12	Pathfire FAQs for Viacom Video Services Syndication Clients	CMW 08369-08379 Exhibit 14 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction			Relevance; Hearsay	
13	Press Release - DG FastChannel, Inc. to Acquire Privately-Held Media Distribution Provider, Pathfire, Inc.	CMW 08380-08383 Exhibit 15 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction			Relevance; Hearsay	
14	Initial Statement of Work to the Master Services Agreement entered by and between Videa, LLC and EMT Holdings, Inc. dated April 15, 2014	EMT 15676-15703 Exhibit 16 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction			Relevance	
15	Master Services Agreement between ITN Networks, LLC and EMT Holdings, LLC. effective January 14, 2013	EMT 13546-13567 Exhibit 18 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction			Relevance	
16	INVISION and eMediaTRADE Proposed Deal Structure December 10, 2013	EMT 16731-16737 Exhibit 20 to Declaration of Evan M. Rothstein In Support of Plaintiffs' Reply In Support of Preliminary Injunction			Hearsay	
17	Affidavit of Leonard Joseph Fabiano III In Opposition to Plaintiffs' Motion for Preliminary Injunction		Yes			
18	Exhibit I to Affidavit of Leonard Joseph Fabiano III In Opposition to Plaintiffs' Motion for Preliminary Injunction Adcore Modules		Yes			
19	eMedia Trade Capabilities Presentation, April 2, 2013	EMT 05392-05404 Plaintiffs' Deposition Exhibit 2 [Meyer]	Yes			

PLAINTIFFS' EXHIBIT LIST FOR HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTIONCASE CAPTION: *Cross MediaWorks LLC et al. v. EMT Holdings LLC et al.*

November 13, 2012

CASE NO.: No. 14 Civ. 561 (VSB)

Page 3 of 4

Exh. No.	Brief Description	Bates / Decl. Exh. No. / Depo. Exh. No.	Stipulation	Objection - Authenticity	Objection - Admissibility	Court Use Only
20	8/19/2014 Press Release, "eMediaTrade Announces the AdCore Platform ..."	EMT 00567-00568 Plaintiffs' Deposition Exhibit 6 [Fabiano]	Yes			
21	1/31/2011 email, Leonard J. Fabiano III to Anne Kofol, "First pass description document & proposal"	EMT 03761-03773 Plaintiffs' Deposition Exhibit 16 [Fabiano]	Yes			
22	1/25/2011 email, David Sisson to Joe Fabiano, "RE: Clarion - Systems & Workflow Analysis"	Plaintiffs' Deposition Exhibit 17 [Fabiano]	Yes			
23	1/27/2011 email, David Sisson to Joe Fabiano, "RE: a quick favor"	Plaintiffs' Deposition Exhibit 18 [Fabiano]	Yes			
24	1/28/2011 email, Craig Crane to jfabiano, attaching: Accounting Process Flows.vsd; accounting.vsd; Cross MediaWare Avail Processing vsd; Cross MediaWorks Systems_final.pptx; MediaWare Database Design.vsd; MediaWare Logical.vsd; MediaWare Website Layout.docx; includes file metadata detail pages	EMT 07835-07892; Plaintiffs' Deposition Exhibit 19 [Fabiano]	Yes			
25	2/18/2011 email, Joe Fabiano to Anne Kofol, "RE: Marketing documents"	EMT 06520-06522 Plaintiffs' Deposition Exhibit 23 [Fabiano]	Yes			
26	Cross-MediaWorks / CEO Report – Business & Systems Evaluation	EMT 07163-07177 Plaintiffs' Deposition Exhibit 24 [Fabiano]	Yes			
27	Cross-MediaWorks /CTO Report – Technology & Operations Scalability Analysis	EMT 07178-07262 Plaintiffs' Deposition Exhibit 25 [Fabiano]	Yes			
28	Master Services Agreement, Effective Date November 2, 2012	EMT 13069-13085 Plaintiffs' Deposition Exhibit 26 [Fabiano]	Yes			
29	Cross MediaWorks / Confidential Information Memorandum / Goldman Sachs & Co. / Draft February 2011	EMT 06523-06571 Plaintiffs' Deposition Exhibit 33 [Fabiano]	Yes			
30	eMediaTRADE / Investment Opportunity; includes file metadata detail page	EMT 16701-16708 Plaintiffs' Deposition Exhibit 35 [Fabiano].	Yes			
31	INVISION and eMediaTRADE Revisions to Earn-out Structure / May 29, 2014	EMT 16692-16696 Plaintiffs' Deposition Exhibit 37 [Fabiano].			Hearsay	
32	Supplement to INVISION and eMediaTRADE Proposed Deal Structure / May 29, 2014	EMT 16738-16748 Plaintiffs' Deposition Exhibit 39 [Fabiano]			Hearsay	

PLAINTIFFS' EXHIBIT LIST FOR HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTIONCASE CAPTION: *Cross MediaWorks LLC et al. v. EMT Holdings LLC et al.*

November 13, 2012

CASE NO.: No. 14 Civ. 561 (VSB)

Page 4 of 4

Exh. No.	Brief Description	Bates / Decl. Exh. No. / Depo. Exh. No.	Stipulation	Objection - Authenticity	Objection - Admissibility	Court Use Only
33	Adjusted Balance Sheet at 7-1-13	CMW 07790			Relevance; Hearsay	
34	NDA executed	CMW 08384-08385	Yes			
35	Handwritten Notes of Stephanie Mitchko-Beale	CMW 08386-08396			Relevance; Hearsay	
36	2010 Agreement	EMT 01778-01789	Yes			
37	2/10/2011 email, Leonard J. Fabiano III to Anne Kofol, "Re: deliverables"	EMT 05903-05904	Yes			
38	Proposal / Version 1.2 / 1-19-2011	EMT 10443-10454	Yes			
39	Screen Shots	EMT 11240-11262	Yes			
40	eMediaTRADE / AdHub: Campaign Setup	EMT 11263-11269	Yes			
41	eMediaTRADE / AdHub: Master Order Dashboard	EMT 11270-11285	Yes			
42	eMediaTRADE / AdHub: Traffic Viewer	EMT 11312-11334	Yes			
43	eMediaTRADE / AdHub: Affidavit Desk	EMT 11335-11363	Yes			
44	Master Order Origination flow chart	EMT 11364	Yes			
45	Master Order in AdHub flow chart	EMT 11365	Yes			
46	eMediaTRADE / AdHub: Traffic Editor	EMT 11367-11383	Yes			
47	10/09/2012 letter from Bryan Cave to Leonard J. Fabiano	EMT 11385-11386	Yes			
48	Statement of Work No. 1 / Project Title: Google TV Ads Fulfillment Process	EMT 13158-13170	Yes			
49	Any document necessary for rebuttal				Overbroad All objections reserved until hearing	
50	CV of Paul S. Min, Ph.D					
51	Demonstrative exhibits					
52	Any document necessary for impeachment					
53	Any document designated as an exhibit by Defendants					